

**Amendments to the Drawing:**

The attached drawing sheet includes changes to the sole Figure. In the Figure, the programmable logic controller PLC 28 is now shown, as is the carbon dioxide reservoir 27.

Attachment: Replacement Sheet

**REMARKS**

Favorable consideration and allowance are respectfully requested for claims 1-10, 14-16 and 18 in view of the foregoing amendments and the following remarks. Claims 11-13 and 17 are cancelled by this amendment.

A replacement Figure is provided herewith to show the programmable logic controller PLC 28 is now shown, as is the carbon dioxide reservoir 27. The specification is also amended in various paragraphs to include the numbering for these elements. Further, certain typographical errors in the specification are corrected by this amendment. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

The rejection of claims 1-2, 5-8 and 9-18 under 35 U.S.C. 102(b) as anticipated by Renzo et al. (EP 0542055 A-1) is respectfully traversed.

Independent claims 1, 6 and 7 are amended to recite that the carbon dioxide flow is shut off if the temperature falls below 7°C. Claim 1 is also amended to recite that maceration lasts only a few hours and the step of detecting the temperature of the grapes. Support for these changes may be found in the specification, for instance the second paragraph on page 1, which indicates that the maceration process lasts for a few hours, and also the final paragraph on page 6, which indicates that the flow of carbon dioxide is turned off if the temperature drops below 7°C. Claim 11 previously recited the step of detecting the temperature of the grapes.

Renzo does not disclose interrupting the flow of carbon dioxide if the temperature drops below 7°C as is recited in the present claims. Nor does Renzo indicate that the maceration would last for only a few hours, as is recited in claim 1. Indeed, Renzo indicates that temperatures should be allowed to drop to a range of between 0°C to 15°C - see column 1, lines 53-58. At the low end of this temperature range, the grapes would at least partially freeze. Freezing of the grapes and extended maceration has a negative effect on the taste of the wine produced by the process. Accordingly, these steps are undesirable.

Although the reference indicates that a temperature of 5°C is preferred (see column 4), the reference does not teach that if the temperature drops below 7°C, the flow of carbon dioxide is interrupted, as is recited in the present claims.

Accordingly, the cited reference does not teach each and every limitation of the presently-pending claims and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 3 and 4 under 35 U.S.C. 103(a) as obvious over Renzo et al. (EP 0542055 A-1) is respectfully traversed.

As indicated above, Renzo does not disclose interrupting the flow of carbon dioxide if the temperature drops below 7°C as is recited in the present claims. Nor does Renzo indicate that the maceration would last for only a few hours, as is recited in claim 1. Indeed, the reference fails to teach or suggest either of these features of the present claims.

As explained above, if the grapes reach too cold a temperature or if the maceration proceeds for too long, the taste of the wine produced with the process is negatively affected. This phenomena is described in the specification, for instance on page 1 at lines 23-26 which indicates that temperature and residence time affect the flavour of the wine. Accordingly, the claims are directed to a process and apparatus which differs from that described by the cited prior art in a significant and result-directed way. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

### **CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 038724.56071US).

Respectfully submitted,

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